

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MILLER INSULATION, Co., a
North Dakota corporation,

Plaintiff,

V.

BEATRICE BIODIESEL, LLC, a
Nebraska limited liability company,
and RYAN & ASSOCIATES, Inc.,
an Iowa corporation,

Defendants.

4:08CV3159

ORDER

This matter is before the court on Defendant Ryan & Associates, Inc.’s (“Ryan”) motion for leave to supplement its memorandum and brief in support of its motion for summary judgment ([filing 61](#)). Ryan requests that it be granted leave to cite, *instanter*, the recent decision of [Fixtured Specialists, Inc. v. Global Construction, L.L.C.](#), No. 07-5614, 2009 WL 904031 (March 30, 2009 D.N.J.). The motion shall be granted.

IT IS ORDERED:

1. Ryan's motion for leave to supplement its memorandum and brief in support of its motion for summary judgment ([filing 61](#)) is granted;
2. The court hereby takes notice of [*Fixture Specialists, Inc. v. Global Construction, L.L.C.*, No. 07-5614, 2009 WL 904031 \(March 30, 2009 D.N.J.\)](#) and considers the decision incorporated into Ryan's memorandum and brief in support of its motion for summary judgment

([filing 42](#)).

October 20, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge